

Notice of Allowability

Application No.

09/777,304

Examiner

Quang N. Nguyen

Applicant(s)

POTENZONE ET AL.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment After Final filed on 11/02/2007.
2. ☒ The allowed claim(s) is/are 1-3,6-8 and 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date (see attachment).
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Quang N. Nguyen
Patent Examiner - AU 2141

Interview Summary

1. A proposed amendment was submitted for applicant's consideration. Examiner suggested the Applicant to amend claims as shown in the Examiner's Amendment below in order to place the application in condition for allowance.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this Examiner's Amendment was given in a telephone interview with the Applicant's Representative, Mr. Jonathan Berschadsky (Reg. No. 46,551), on November 14th, 2007.

Art Unit: 2141

4. Please amend claim 1, cancel claims 4-5 and add new claim 26 as below:

Claim 1. (Currently amended) A system for managing the delivery of content over a network to a user comprising:

a station and playlist module for managing the content delivered by one or more stations over the network, the type of content delivered by each of the stations being specified by a playlist for that station,

wherein at least one of said stations includes two or more playlists and only one of said two or more playlists specifies the content delivered by that station at any one time,

and wherein the user adds content to at least one of the two or more playlists associated with the at least one station, and

wherein the content is audio-based and each playlist includes a number of songs delivered by the station associated with that playlist; and

a playlist validation module for verifying that a playlist contains at least one combination of songs that are in compliance with a set of licensing rules.

Claim 4. (Canceled)

Claim 5. (Canceled)

Claim 26. (New) A method for managing the delivery of content over a network to a user comprising:

managing, by a station and playlist module, the content delivered by one or more stations over the network, the type of content delivered by each of the stations being specified by a playlist for that station,

wherein at least one of said stations includes two or more playlists and only one of said two or more playlists specifies the content delivered by that station at any one time;

adding, by the user, content to at least one of the two or more playlists associated with the at least one station,

wherein the content is audio-based and each playlist includes a number of songs delivered by the station associated with that playlist; and

verifying, by a playlist validation module, that a playlist contains at least one combination of songs that are in compliance with a set of licensing rules.

5. Pursuant to MPEP 606.01, the title has been changed to read:

-- SYSTEM AND METHOD FOR MANAGING CONTENT DELIVERED TO
A USER OVER A NETWORK --

6. Claims 1-3, 6-8 and 26 are allowed.

Art Unit: 2141

7. The following is an examiner's statement of reasons for allowance:

In interpreting the currently amended claims, in light of the specification and the applicant's arguments filed on 11/02/2007, the Examiner finds the claimed invention to be patentably distinct from the prior art of records. Specially, the prior art of records, individually or in combination, fail to explicitly teach or render obvious the claimed invention as recited in independent claims 1 and 26.

The features as recited in independent claims 1 and 26 "***wherein at least one of said stations includes two or more playlists and only one of said two or more playlists specifies the content delivered by that station at any one time, wherein the user adds content to at least one of the two or more playlists associated with the at least one station, wherein the content is audio-based and each playlist includes a number of songs delivered by the station associated with that playlist; and a playlist validation module for verifying that a playlist contains at least one combination of songs that are in compliance with a set of licensing rules***", when taken in the context of the claims as a whole, was not uncovered in the prior art of records.

Nor were the prior art of records uncovered that would have provided a basis of evidence for asserting a motivation that one of ordinary skill in the art at

Art Unit: 2141

the time the invention was made, knowing of a system and method for managing the delivery of content over a network to a user, would have integrated or modified to teach the system and method for managing the delivery of content over a network to a user comprising ***“at least one of said stations includes two or more playlists and only one of said two or more playlists specifies the content delivered by that station at any one time, wherein the user adds content to at least one of the two or more playlists associated with the at least one station, wherein the content is audio-based and each playlist includes a number of songs delivered by the station associated with that playlist; and a playlist validation module for verifying that a playlist contains at least one combination of songs that are in compliance with a set of licensing rules”***, including other specific features as recited in the context of independent claims 1 and 26.

Dependent claims 2-3 and 6-8 further limit the allowed independent claim 1; therefore, they are also allowed.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should clearly labeled “Comments on Examiner’s Amendment”.

Art Unit: 2141

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Nguyen
Patent Examiner – AU 2141
November 14th, 2007